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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, we would rest in You, for You alone can bring order to our world.

Reveal Yourself to our Senators, guiding them on the path of peace. May they place behind them disappointed hopes, fruitless labor, and trivial aims as they lean on You for comfort and strength. Rebuke their doubts. Strengthen the good in them so that nothing may hinder the outflow of Your power in their lives.

Give might to the weak and renew the strength of the strong.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

GUANTANAMO DETAINEES

Mr. MCCONNELL. Mr. President, President Obama has left the American people to wait for many years for a serious plan—one that poses no additional risk to our Nation or our Armed Forces, for instance—in pursuit of his desire to close a secure detention facility at Guantanamo Bay. Americans have been waiting for 7 long years to find out what the serious plan might look like. They are still waiting today.

What the President sent to Congress yesterday isn't a plan. It is more of a

research project than anything. It does call on Congress, however, to act. It turns out we already have. Congress has repeatedly, over and over again, voted to enact clear, bipartisan prohibitions on the very thing the President is again calling for, and that is the transfer of Guantanamo Bay terrorists into our local communities. We have enacted bipartisan prohibitions in Congresses with split party control. We have enacted bipartisan prohibitions in Congresses with massive, overwhelming Democratic majorities. Just a couple of months ago, Members of Congress in both parties expressed themselves clearly one more time—not once, but twice, and on an overwhelming bipartisan basis. President Obama signed these bipartisan prohibitions into law as well. So let's not pretend there is even the faintest of pretenses for some pen-and-phone gambit here.

Congress has acted clearly, repeatedly, and on a bipartisan basis. The President now has the duty to follow the laws he himself signed. It shouldn't be that hard when you consider his admonition yesterday about "upholding the highest standards of rule of law." He said: "As Americans, we pride ourselves on being a beacon to other nations, a model of the rule of law." That is interesting in light of a recent GAO ruling that the administration's detainee swap of Taliban prisoners for Bowe Bergdahl violated the law. It is especially interesting in light of the President's continuing refusal to rule out breaking the law if he doesn't get his way on Guantanamo. President Obama's own Attorney General says he cannot unilaterally do that. It is clear. President Obama's own Defense Secretary says he cannot unilaterally do that. President Obama's own top military officer says he cannot unilaterally do that. In the words of one of our Democratic colleagues, "He's going to have to comply with the legal restrictions." It is as simple as that—"going

to have to comply with the legal restrictions."

Breaking the law as a way to supposedly uphold the rule of law is just as absurd as it sounds. It is time that the President finally ruled that option out categorically, and then he should finally move on from a years-old campaign promise and focus on the real problem that needs solving today.

My own hope is that the Commander in Chief will not put his own chain of command in the position of having to carry out an unlawful direct order.

But, look, closing Guantanamo and transferring terrorists to the United States didn't make sense in 2008, and it makes even less sense today. We are a nation at war. The administration's efforts to contain ISIL thus far have not succeeded. The next President may very well want to pursue operations that target, capture, detain, and interrogate terrorists because that is how terrorist networks are defeated. Why would we take that option away from the next Commander in Chief now?

Let's be clear: The two options on the table are not keeping Guantanamo open or closing it, but keeping Guantanamo terrorists at Guantanamo or moving them to some Guantanamo North based in a U.S. community. Changing the detention center's ZIP Code is not a solution. It is not even serious.

The fact that the President missed a deadline for submitting a plan to defeat ISIL last week—presumably because he was just too busy working on his ancient campaign promise—is completely unacceptable.

Some of the most senior national security officials within President Obama's own administration are already working to better position the next President for the national security challenges we will face in 2017. It is time President Obama finally joined them and us in the serious work of keeping Americans safe in a dangerous world.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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